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JOSH AGLE, INC.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JOSH AGLE, INC., a California  
corporation

Plaintiff,

v.

HOWARD JOHNSON  
INTERNATIONAL, INC., a Delaware  
corporation; NORTHWEST HOTEL  
CORPORATION, a California  
corporation; and DOES 1 through 10,  
inclusive

Defendants.

**Case No. CV10-00562 GAF (MLGx)**

Hon. Gary Feess

**ORDER ENTERING CONSENT  
DECREE AND DISMISSAL WITH  
PREJUDICE**

**ORDER ENTERING CONSENT DECREE AND DISMISSAL WITH PREJUDICE**

The above-entitled matter having been compromised and settled by and among Plaintiffs, Josh Agle, Inc. ("AGLE") and Northwest Hotel Corporation ("NORTHWEST"), the following Consent Decree and Order is made and entered by the undersigned, the Honorable Gary Feess, Judge of the United States District Court for the Central District of

1 California, pursuant to the concurrently-filed Stipulation of Plaintiff and Defendants  
2 through their counsel.

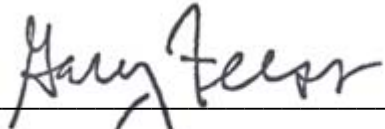
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4 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED  
5 as follows:

- 6
- 7 1. This Court has jurisdiction over the Plaintiff, Defendants and the subject matter of  
8 this action. Venue in this district is proper.
  - 9 2. From and after the entry of this Consent Decree and Order, NORTHWEST and its  
10 affiliates, administrators, successors and assigns hereby agree to the entry of a permanent  
11 injunction and agree that they are hereby and permanently enjoined from engaging in any  
12 activities that violate any section 106 (17 U.S.C. § 106) rights held by AGLE in the works  
13 at issue in the Lawsuit (those identified in the Complaint as “Consolation Fish,” “Consegna  
14 Espresso,” “Disneyland 1955 Map,” “Westcoast Jazz,” “The Little Baron,” “Desert  
15 Polynesia,” “The Faux Pas,” “One Enchanted Evening,” “Fantasyland 50<sup>th</sup> Anniversary,”  
16 “Frontierland 50<sup>th</sup> Anniversary,” “Shag: The Art of Josh Agle,” and “Shag Ltd. Fine Art  
17 Limited Editions”).
  - 18 3. NORTHWEST shall not expressly or impliedly represent themselves or their  
19 products or services as being affiliated in any manner with AGLE, or of any other  
20 company or person related to or affiliated with any of AGLE, or as authorized,  
21 sponsored or endorsed by or otherwise connected with AGLE.
  - 22 4. AGLE and NORTHWEST shall require that their affiliated companies, owners,  
23 members, managers, directors, officers, attorneys, agents, representatives and  
24 employees, successors and assigns comply with all terms of this Consent Decree and  
25 Order.
  - 26 5. No delay or failure by the Plaintiffs or Defendants, or any of them, to enforce any  
27 right arising under this Consent Decree and Order, or to enforce against any breach  
28 thereof, shall be construed as waiver of any such right or breach.

- 1 6. The parties hereto have agreed that any disputes concerning or arising out of their  
2 Settlement Agreement or this Consent Decree and Order, or any action or proceeding  
3 to enforce the same, shall be subject to the venue and jurisdiction of the United  
4 States District Court for the Central District of California and this Court would hear  
5 any such disputes in the event they were to arise.
- 6 7. Plaintiff's claims against NORTHWEST are dismissed, with prejudice, except as to  
7 enforcement of this Consent Decree and Order and the parties' Settlement  
8 Agreement. Each party shall bear its own costs and attorneys' fees, provided,  
9 however, that the parties have agreed that in any proceeding to enforce the  
10 Settlement Agreement or Consent Decree and Order the substantially prevailing  
11 party shall be entitled to recover its costs and attorneys fees.

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14 **IT IS SO ORDERED.**

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18 Dated: December 2, 2010

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21 The Honorable Gary Feess  
22 United States District Court  
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